

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIE LANDSMAN, as Parent and
Natural Guardian of **J.L.**, and
JENNIE LANDSMAN, Individually,

Plaintiff,

-against-

Case No. 23-cv-6404 (PAC)

DAVID C. BANKS, in his Official Capacity as
Chancellor of the New York City Department
of Education and the **NEW YORK CITY**
DEPARTMENT OF EDUCATION,

PROPOSED ORDER
TO SHOW CAUSE

Defendants.

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Upon Plaintiff's Memorandum of Law in Support of her Motion for a Preliminary Injunction/Declaratory Judgment and Pendency Order/Automatic Injunction under the IDEA¹, dated July 26, 2023, and upon the Declaration of Peter G. Albert, Esq., dated, July 26, 2023, along with the exhibits attached thereto, and the pleadings and proceedings, heretofore had herein, it is hereby

ORDERED, that the above-named Defendants shall show cause before the Hon. Paul A. Crotty, United States District Judge, in Room 1350 of the United States Courthouse in the Southern District of New York, located at 500 Pearl Street in the City, County, and State of New York, on the _____ day of _____ at _____ o'clock in the _____ noon of such day, or as such thereafter as counsel may be heard, why an Order should not be issued pursuant to 20 U.S.C. § 1415(j) and Rule 65 of the Federal Rules of Civil Procedure, requiring the Defendants to implement the final administrative Order issued in favor of Plaintiff by funding the Student-

¹ Individuals with Disabilities Education Act.

Plaintiff's tuition and related services, including special transportation and nursing; why an Order should not be issued pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the IDEA's stay-put or Pendency provision, 20 U.S.C. § 1415(j), as well as the Federal Rules of Civil Procedure, declaring the International Academy for the Brain ("iBRAIN") to be the Student-Plaintiff's Pendency Placement/Program throughout the pendency of all administrative and judicial proceedings relative to his Due Process Complaint for the 2023–2024 extended school year, according to the Plaintiff's agreement with the private special education school placement/program, as well as with the respective related services providers; directing the DOE to fund the Student-Plaintiff's tuition and related services to the extent that the Parent-Plaintiff is obligated, by her enrollment agreements with the private special education school and the related services providers, to fund the Student-Plaintiff's tuition and related services, including transportation and nursing; and granting such other and further relief that the Court may deem just, proper, and equitable. It is further

ORDERED, that electronic service of a copy of this Order, along with all documents submitted herewith and in support hereof, upon the Defendants or their counsel on or before _____ o'clock in the forenoon, on _____, 2023, shall be deemed good and sufficient service thereof. It is further

ORDERED that Defendant's opposition papers, if any, are to be served and filed by _____, and Plaintiff's reply papers, if any, are to be served and filed by _____, 2023.

Dated: _____, 2023
New York, New York

ISSUED:

United States District Judge